



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,173	11/18/2003	Brandon Lee Hudgeons		3913

7590 03/24/2009
SIMON, GALASSO & FRANTZ PLC.
P.O. Box 26503
Austin, TX 78755-0503

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
----------	--------------

2421

MAIL DATE	DELIVERY MODE
-----------	---------------

03/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/716,173

Applicant(s)

HUDGEONS ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-93 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims are rejected under 35 U.S.C. 102(e) as being anticipated by US
2002/0133827 to Newnam.

Regarding claims 1, 9, 17, Newman discloses a method/system configured for facilitating an interactive multimedia experiences, comprising:

At least one data processing device (figure 2, client 100, 110, 120, 130, paragraph 33),

Instructions processable by said at least one data processing device (poll 310, paragraphs 46-50)

An apparatus (server 200, paragraphs 33-34) from which said instructions are accessible by said at least one data processing device,

Wherein said instructions are configured for enabling said at least one processing device to facilitate (paragraphs 33-34):

accessing a system-readable specification defining a multimedia experience configured for audience interaction (paragraphs 37-38, 46-50); and

performing the multimedia experience in accordance with information comprised by the system-readable specification, wherein said information comprised by the system-readable specification includes information for enabling facilitation of audience response tracking, experience navigation and feedback of audience responses (paragraphs 35, 37-38, 46-50, polling, trivia, directing conversation, polling results, leaderboards).

Regarding claims 2, 10, 24, Newnam discloses that the performing the multimedia experience includes gathering audience responses (paragraphs 37, 49-51).

Regarding claims 3, 11, 25, 57, 68, Newnam discloses that performing the multimedia experience includes: analyzing said audience response, and outputting information resulting from said analysis (paragraph 37, 49, 51, 55).

Regarding claims 4, 12, 26, 58, 69, Newnam discloses outputting said information resulting from analyzing said audience responses includes displaying at least a portion of said information resulting from analyzing said audience responses (paragraphs 35, 37, 49, 51, 55).

Regarding claims 5, 13, 27-28, 59 and 70, Newnam discloses performing the multimedia experience includes outputting experience content (paragraphs 35, 36, 37, 49, 51, 55, answers to the quizzes, polls or directing conversation).

Regarding claims 6, 14, 29-30, 60-61, 71-72 Newnam discloses performing the multimedia experience includes: gathering audience responses; analyzing said audience responses;

outputting information resulting from said analysis; and outputting experience content dependent upon at least a portion of said information resulting from analyzing said audience responses content (paragraphs 35, 36, 37, 49, 51, 55, answers to the quizzes, polls or directing conversation).

Regarding claims 7, 15, 31, Newnam discloses displaying at least a portion of said information resulting from analyzing said audience responses (paragraphs 36-37).

Regarding claims 8, 16, 32, Newnam discloses the system-readable specification comprises a plurality of display elements (figure 9); each one of said display elements comprises a respective portion of the multimedia experience; and performing the multimedia experience includes performing at least a portion of said display elements (paragraphs 35, 36, 37, 49, 51, 55, providing quizzes, polls and displaying answers to the quizzes, polls or directing conversation).

Regarding claims 18, 34, 50, Newnam discloses:

At least one data processing device (figure 2, client 100, 110, 120, 130, paragraph 33),

Instructions processable by said at least one data processing device (poll 310, paragraphs 46-50)

An apparatus (server 200, paragraphs 33-34) from which said instructions are accessible by said at least one data processing device,

Wherein said instructions are configured for enabling said at least one processing device to facilitate (paragraphs 33-34):

accessing a system-readable specification defining a multimedia experience configured for audience interaction (paragraphs 37-38, 46-50);

maintaining updates of experience feedback information (paragraphs 35-37)

performing the multimedia experience in accordance with information comprised by the system-readable specification, experience navigation and feedback of audience responses (paragraphs 35, 37-38, 46-50, polling, trivia, directing conversation, polling results, leaderboards).

Regarding claim 19, Newnam discloses that the feedback includes audience response information (paragraphs 35-37).

Regarding claims 20, 52, 63, Newnam discloses that performing the multimedia experience (figure 9) includes accessing a multimedia asset associated with one of the display elements (fun fact 720, game 730, chat 710) and

Access information for the multimedia asset is specified within the system readable specification (paragraphs 42, 45, and 47).

Regarding claim 33, Newnam discloses information comprised by the system-readable specification includes information for enabling facilitation of audience response tracking, experience navigation and feedback of audience responses (paragraphs 35, 37-38, 46-50, polling, trivia, directing conversation, polling results, leaderboards).

Claims 35, 36, and 41-49, substantially correspond to claims 19-20 and 24-33.

Regarding claims 51, 62, and 74, Newnam discloses a system and method configured for facilitating an interactive multimedia experience comprising:

At least one data processing device (figure 2, client 100, 110, 120, 130, paragraph 33),

Instructions processable by said at least one data processing device (poll 310, paragraphs 46-50)

An apparatus (server 200, paragraphs 33-34) from which said instructions are accessible by said at least one data processing device,

Wherein said instructions are configured for enabling said at least one processing device to facilitate (paragraphs 33-34):

Creating a system-readable specification defining a multimedia experience configured for audience interaction (paragraphs 37-38, 46-50);

Designating a feedback information action for enabling corresponding feedback information to be updated accordingly in response to performing the multimedia experience (paragraphs 35-37, polls, trivia etc with answers or generate real-time fun facts or polls)

Associating the feedback information action with the system readable specification whereby performing the multimedia experience is dependent upon said corresponding experience feedback information (paragraphs 35-37, 55, the polls, quizzes and user feedback can direct the content of the program).

Regarding claims 53, and 64 Newnam discloses creating the system-readable specification is performed dependent upon system specified rules configured for enabling the specification to be interpreted and performed by said system (paragraphs 33-35, the polls/trivia etc are provided in accordance to the definitions set up by technical director 300).

Regarding claims 54 and 65, Newnam discloses that said experience feedback information includes audience response information (paragraph 36)

Regarding claim 55 and 66, Newnam discloses performing the multimedia experience includes accessing a multimedia asset (paragraph 55) associated with one of said display elements; and access information for the multimedia asset is specified within the system readable specification (paragraph 33-35).

Regarding claims 56 and 67, Newnam discloses that the system-readable specification includes specifying a manner in which audience responses are gathered (paragraphs 34-37).

Claims 75-93 substantially correspond to claims 51-73 as analyzed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0133827.

Regarding claims 21-23, 37-39, Newnam discloses a multimedia experience which provides voting, polling, and chat options to a user.

Newnam is silent regarding feedback information which includes information resulting from analysis of a sound file of one of said display elements, analyzing amplitude and length characteristics of the sound file, and synchronizing a video component with a corresponding audio component depending upon information resulting from analysis of the sound file.

The Examiner takes official notice that synchronizing animated video data on the fly with audio files is well known in the art. Synchronizing the data prevents lip synch issues which are disconcerting to a viewer thereby providing a more aesthetically pleasing experience.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Newnam's multimedia experience to utilize synchronized animated video with analyzed audio data for the above mentioned advantages.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is (571)272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter B. Lonsberry/
Primary Examiner
Art Unit 2421

HBL